

Cherokee County Zoning Board of Appeals
Minutes
Thursday, February 2, 2006
6:30 p.m.

The Cherokee County Zoning Board of Appeals held its regularly scheduled meeting on February 2, 2006, in the Jury Assembly Room of the Cherokee County Justice Center. In attendance for the Zoning Board of Appeals were Chairman Evert Hekman, Vice Chairman, Roy Taylor, Amy Mumaugh, Greg Elder and Sean Jerguson. In attendance for Cherokee County Staff were Mark Mahler, County Attorney, Vicki Taylor, Zoning Administrator and Jesse Perry, Senior Clerk. The meeting was called to order at 6:30 pm.

Old Case

Case #05-11-065V BG Land, LLC requesting a variance to Article 16; Section 16.1, Hwy 92 Overlay Regulations. The applicant is requesting a variance to extend the boundary of the Hwy 92 Overlay District to include parcels 285, 273, 273A, 273B, 273C, 273D, 273E, 273F and 274. The property is located on Hwy 92 in Land Lot(s) 1105, 1106 of the 21st District and further described as Cherokee County Tax Map 21N05 & 21N06 with the above parcel numbers.

Vicki Taylor presented the case to the Planning Commission.

Jimmy Bobo represented the case.

Public hearing was closed two months ago.

Roy said no one has dissuaded him from his opinion and the variance should not be granted.

Mr. Hekman spoke of stipulations he would like to see put on any approval.

- Any commercial business to not extend any further than 1000 feet from Hwy 92.
- No more than 6 DUA for 1st 1000 feet of residential.
- No more than 3 DUA for remainder.

Mr. Hekman made motion to approve.

Seconded by Mr. Jerguson.

Passes 3-1 Mrs. Mumaugh recused and Mr. Taylor in opposition.

New Cases

Case #06-02-008V McCrary Engineering, Inc. requesting a variance to Article 10; Section 10.6-7 and Article 16; Section 16.1. The applicant is requesting to reduce the stream bank buffer to 25' and requesting a variance from the architectural requirements for the building of the Hwy 92 Overlay guidelines. This property is located on Northpoint Parkway in Northpoint Industrial Park and further described as Cherokee County Tax Map 21N06, Parcel 005.

Vicki Taylor presented the case to the Planning Commission.

Pete McCrary represented the case.

Mrs. Mumaugh asked what type of structure would be built. He said it would be concrete. Discussion ensued about the plan. Mr. Jerguson made motion to approve with conditions that builder meet with County Arborist to discuss planting of greenspace.

Seconded by Mr. Hekman.

Passes 4-1 Mrs. Mumaugh in opposition.

Case #06-02-009V Allegiance-Fernwood Creek Properties, LLC requesting a variance to Article 23; Conservation Subdivision. The applicant is requesting a variance to reduce the front setback and rear setback for Lot 31 and reduce front setback for Lot 41. The property is located off Fernwood Drive in Fernwood Creek Subdivision and further described as Cherokee County Tax Map 15N30, Part of Parcels 173, 174 and 203A.

Vicki Taylor presented the case to the Planning Commission.

Matt Waterford represented the case.

Mr. Hekman asked applicant if they were okay with an encroachment on the rear of 31 instead of a reduction that is consistent with site plan.

Mr. Hekman made motion to approve with the above conditions.

Seconded by Mr. Elder.

Passes 5-0

Case #06-02-010V Thomas Holland requesting a variance to Article 5, Section 5.6A and 5.6C; Accessory Structures. The applicant is requesting a variance to allow a detached structure in the front yard area and to allow this structure to be 1,040 sq. ft. The property is located at 605 Palamar Lane and further described as Cherokee County Tax Map 15N24B, Parcel 076.

Vicki Taylor presented the case to the Zoning Board of Appeals.

Thomas Holland represented the case.

Mr. Elder asked why he needed the extra space. He replied it was to cover the large number of cars on the property.

Mr. Taylor made motion to approve.
Seconded by Mrs. Mumaugh. Motion passes 5-0.

Case #06-02-011V Mark & Lois Nels requesting a variance to Article 7; Table 7.1A; Minimum District Development Standards. The applicant is requesting a variance to allow a 42' rear building setback than the required 50' building setback. The property is located at 3691 Union Hill Road and further described as Cherokee County Tax Map 02N10, Parcel 11.

Vicki Taylor presented the case to the Zoning Board of Appeals.

Mark Nels represented the case.

Mr. Taylor made motion to approve with conditions.

- 8' further encroachment into the setback area and a 12' in a southerly direction as well.

Seconded by Mr. Heckman, Motion passes 5-0.

Case #06-02-012v Joseph J. McCann requesting a variance to Article 7, Section 7.7-9; Setbacks for Barns. The applicant is requesting a variance to allow a barn to be located 50' from property line. The Cherokee County Zoning Ordinance requires a 75' building setback from all property lines. The property is located in Allmond Tree Farms Subdivision and further described as Cherokee County Tax Map 02N10, Parcel 144.

Vicki Taylor presented the case to the Zoning Board of Appeals.

Applicant was not present.

Mr. Hekman made motion to approve.

Seconded by Mr. Elder. Motion passes 5-0.

Case #06-02-013V Debbie McFarland Smith requesting a variance to Article 5; Accessory Structures. The applicant is requesting a variance to allow a detached structure 7' from the side property line and to allow one additional accessory structure on

this property. This property is located at 185 Spring Drive and further described as Cherokee County Tax Map 14N30, Parcel 057.

Vicki Taylor presented the case to the Zoning Board of Appeals.

Debbie McFarland – Smith represented the case.

Mr. Jerguson made motion to approve.

Seconded by Mr. Hekman. Motion passes 5-0.

Case #06-02-014V Brownstone Associates, Inc. requesting a variance to Article 7; Table 7.1A; Minimum District Development Standards. The applicant is requesting a variance to reduce the side building setback to 5' instead of the required 10' side building setback and to allow 5 feet between structures. This property is located on Ball Ground Hwy in The Villas @ Bethany Manor and further described as Cherokee County Tax Map 14N27, Parcel 076.

Vicki Taylor presented the case to the Zoning Board of Appeals.

Mr. Chambers represented the case.

Discussion ensued about what type of firewall was needed. Mr. Hekman asked how many of the 100 lots would need the variance, answer more than half.

Mr. Hekman said what is not the same about this development isn't that a normal RZL in the larger homes changes the type of development away from the RZL standard.

Mr. Jerguson made motion to approve in a minimum of 5 feet. And any less than 10 feet needs 2 hour firewall and fire rated roofs with no perforations (No windows or doors) in those walls. He also stated that Gary Caviness (Building Department) reviews and signs off on the plan.

Seconded by Mr. Hekman passes 5-0.

Other Items

Approval of the December 1, 2005 and January 5, 2006 Minutes.